

REMARKS

Claims 1-39 remain pending in the application, with claims 32-35 and 37-39 withdrawn from consideration because of a Restriction Requirement.

The Applicants respectfully request that the Examiner reconsider earlier rejections in light of the following remarks. No new issues are raised nor is further search required as a result of the changes made herein. Entry of the Amendment is respectfully requested.

Claims 1, 2, 6, 7, 11-14, 18, 19, 22, 23, 24, 25 and 36 over Ramasubramani in view of Gentry

In the Office Action, claims 1, 2, 6, 7, 11-14, 18, 19, 22, 23, 24, 25 and 36 were rejected under 35 U.S.C. §103(a) as allegedly being obvious over U.S. Patent No. 6,507,589 to Ramasubramani et al. ("Ramasubramani") in view of U.S. Patent No. 6,799,210 to Gentry et al. ("Gentry"). The Applicants respectfully traverse the rejection.

Claims 1, 2, 6, 7, 11-14, 18, 19, 22, 23, 24 and 25 recite a system and method relying on a protocol gateway to encapsulate a fundamental network protocol underlining each of one or more wireless network protocols, wherein the protocol gateway is clustered with at least one other protocol gateway for at least one of redundancy, scalability, and load balancing.

The Examiner alleged that Ramasubramani disclosed the use of encapsulation at col. 5, lines 42-48 and col. 15, lines 1-12 (see Office Action, page 3). However, a reading of Ramasubramani's entire disclosure, and particularly at col. 5, lines 42-48 and col. 15, lines 1-12, fails to reveal that Ramasubramani discloses use of encapsulation (a term of art) for any purpose, much less encapsulation of a fundamental network protocol underlining each of one or more wireless network protocols, as recited by claims 1, 2, 6, 7, 11-14, 18, 19, 22, 23, 24 and 25.

Applicant traverses the Official Action as incomplete because it fails to answer the material traversed. (See MPEP §707.07(f) "Where the applicant traverses any rejection, the examiner should, if he or she repeats the rejection, take note of the applicant's argument and answer the substance of it."). The

Examiner has failed to address Applicants' argument that Ramasubramani fails to disclose use of encapsulation in any context, much less have a protocol gateway performing encapsulation. Thus, the Applicants respectfully request that the Finality of the Office Action be withdrawn because the Office Action is incomplete for failing to answer the Applicants' arguments.

Moreover, it is well settled that each and every claim limitation must be considered. As specified in MPEP §2143.03, entitled "All Claim Limitations Must Be Taught or Suggested": "To establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. In re Royka, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). 'All words in a claim must be considered in judging the patentability of that claim against the prior art.' In re Wilson, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970)." MPEP §2143.03 at 2100-133 (Rev. 2, May 2004). The Examiner has failed to consider the full limitation, not a piecemeal analysis, of a protocol gateway performing encapsulation, as recited by claims 1-30.

Moreover, claims 1, 2, 6, 7, 11-14, 18, 19, 22, 23, 24, 25 and 36 recite a system and method relying on clustering of a plurality of protocol gateways for at least one of redundancy, scalability, and load balancing for access by a client application through a single virtual Internet Protocol (IP) address.

Gentry was relied on to disclose a protocol gateway that is clustered with at least one other protocol gateway for load balancing, scalability, and redundancy at col. 2, lines 26-30 for access by a client application through a single virtual IP address at col. 7, lines 15-23 and col. 7, line 66-col. 8, line 4 (see Office Action, page 3). Thus, even if Gentry disclosed what the Examiner alleged that Gentry discloses, which he does not as discussed below, the Examiner has still failed to provide a single reference that discloses or suggests a protocol gateway performing encapsulation in any context, much less as claimed.

Gentry appears to disclose a media gateway to identify and register with multiple media gateway controllers for various types of voice and data

services (see Abstract). The media gateway appears to each of these media gateway controllers as a single, dedicated control entity (see Abstract).

Moreover, Gentry's invention is directed toward media gateways. Gentry's media gateway allows media of various types, such as data, voice and video, to be transported in unified networks (see col. 4, lines 5-7). The broadest reasonable interpretation cannot be inconsistent with the specification, which illustrates the claimed protocol gateway (see, e.g., page 17, lines 15-20). Hence, "claims are not to be read in a vacuum, and limitations therein are to be interpreted in light of the specification in giving them their 'broadest reasonable interpretation.'" MPEP § 2111.01 at 2100-37 (Rev. 1, Feb. 2000) (quoting *In re Marosi*, 218 USPQ 289, 292 (Fed. Cir. 1983)(emphasis in original)). Applicants' claimed protocol gateway facilitates communications between networks using different protocols (see Applicants' disclosure at page 17, lines 15-20). Thus, Gentry's media gateway that allows media of various types, such as data, voice and video, to be transported in unified networks fails to disclose or suggest relevance to the claimed protocol gateway.

Moreover, the Examiner's motivation to modify Ramasubramani was "to allow the system to have congestion control and failure recovery abilities." (see Office Action, page 3). However, Ramasubramani fails to disclose any problems with congestion control and failure recovery. In fact, Ramasubramani's invention is directed toward how to route messages to a wireless communication system, failing to disclose any problems with congestion control and failure recovery that would suggest a modification of Ramasubramani to address such problems. "Teachings of references can be combined only if there is some suggestion or incentive to do so." *In re Fine*, 5 USPQ2d 1596,1600 (Fed. Cir. 1988) (quoting *ACS Hosp. Sys. v. Montefiore Hosp.*, 221 USPQ 929, 933 (Fed. Cir. 1984)) (emphasis in original). Modification of Ramasubramani would not provide any benefits to his invention of how to route a message to a wireless communication system.

Gentry fails to disclose or suggest a system and method relying on clustering of a plurality of protocol gateways for at least one of redundancy,

scalability, and load balancing for access by a client application through a single virtual Internet Protocol (IP) address, as recited by claims 1, 2, 6, 7, 11-14, 18, 19, 22, 23, 24, 25 and 36.

Thus, Ramasubramani in view of Gentry would still fail to disclose or suggest clustering a plurality of protocol gateways for at least one of redundancy, scalability, and load balancing for access by a client application through a single virtual Internet Protocol (IP) address, as recited by claims 1, 2, 6, 7, 11-14, 18, 19, 22, 23, 24, 25 and 36.

Accordingly, for at least all the above reasons, claims 1, 2, 6, 7, 11-14, 18, 19, 22, 23, 24, 25 and 36 are patentable over the prior art of record. It is therefore respectfully requested that the rejection be withdrawn.

Claims 3-5, 8-10, 15-17, 20, 21 and 26-31 over Ramasubramani in view of Gentry, Barzegar, Boyle, Kung and Boyle2

In the Office Action, claims 3-5, 15-17 and 26-29 were rejected under 35 U.S.C. §103(a) as allegedly being obvious over Ramasubramani in view of Gentry and U.S. Patent No. 5,894,478 to Barzegar et al. ("Barzegar"), with claims 8, 10, 20 and 21 rejected under 35 U.S.C. §103(a) as allegedly being obvious over Ramasubramani in view of Gentry and U.S. Patent No. 6,119,167 to Boyle et al. ("Boyle"), with claim 9 rejected under 35 U.S.C. §103(a) as allegedly being obvious over Ramasubramani in view of Gentry and U.S. Patent No. 6,826,173 to Kung et al. ("Kung"), with claim 30 rejected under 35 U.S.C. §103(a) as allegedly being obvious over Ramasubramani in view of Gentry, Barzegar and Boyle, and claim 31 rejected under 35 U.S.C. §103(a) as allegedly being obvious over Ramasubramani in view of Gentry, Barzegar, Boyle and U.S. Patent No. 6,138,158 to Boyle et al. ("Boyle2"). The Applicants respectfully traverse the rejection.

Claims 3-5, 8-10, 15-17, 20, 21 and 26-31 recite a system and method relying on clustering of a plurality of protocol gateways for at least one of redundancy, scalability, and load balancing for access by a client application through a single virtual Internet Protocol (IP) address.

As discussed above, Ramasubramani in view of Gentry fails to disclose or suggest a system and method relying on clustering of a plurality of protocol gateways for at least one of redundancy, scalability, and load balancing for access by a client application through a single virtual Internet Protocol (IP) address, as recited by claims 3-5, 8-10, 15-17, 20, 21 and 26-31.

Barzegar appears to disclose use of redundancy in a router for maintenance (see col. 3, lines 30-45). However, Barzegar fails to disclose any type of redundancy for the disclosed network gateways, Fig. 1, item 106, much less disclose or suggest a system and method relying on clustering of a plurality of protocol gateways for at least one of redundancy, scalability, and load balancing for access by a client application through a single virtual Internet Protocol (IP) address, as recited by claims 3-5, 8-10, 15-17, 20, 21 and 26-31.

Boyle appears to disclose a system and method relying on a single protocol gateway to interconnect the Internet to a wireless network (see Fig. 1, item 126). However, an entire reading of Boyle fails to reveal that Boyle has any applicability to a plurality of gateways, much less a plurality of protocol gateways for at least one of redundancy, scalability, and load balancing for access by a client application through a single virtual Internet Protocol (IP) address, as recited by claims 3-5, 8-10, 15-17, 20, 21 and 26-31.

Kung appears to disclose a method of alerting a user of a variable bit rate communication between a first terminal and a distant terminal over alternative networks (see Abstract). Gateways (120) provide a central communication points for various types of network to interconnect (see Kung, Fig. 1). Servers are disclosed as having redundancy (see Kung, col. 8, lines 45-50) and an accounting gateway 240 is disclosed as having redundancy (see Kung, col. 17, lines 14-16). However, Kung fails to disclose or suggest clustering of gateways, much less clustering of a plurality of protocol gateways for at least one of redundancy, scalability, and load balancing for access by a client application through a single virtual Internet Protocol (IP) address, as recited by claims 3-5, 8-10, 15-17, 20, 21 and 26-31.

Boyle2 appears to disclose a system and method of integrating wideband and narrowband channels so as to keep users informed of any updates to their desired information (see Abstract). However, an entire reading of Boyle fails to reveal that Boyle has any applicability to a plurality of gateways, much less a plurality of protocol gateways for at least one of redundancy, scalability, and load balancing for access by a client application through a single virtual Internet Protocol (IP) address, as recited by claims 3-5, 8-10, 15-17, 20, 21 and 26-31.


Thus, Ramasubramani in view of Gentry, Barzegar, Boyle, Kung and Boyle2 would still fail to disclose or suggest a system and method relying on clustering of a plurality of protocol gateways for at least one of redundancy, scalability, and load balancing for access by a client application through a single virtual Internet Protocol (IP) address, as recited by claims 3-5, 8-10, 15-17, 20, 21 and 26-31.

Accordingly, for at least all the above reasons, claims 3-5, 8-10, 15-17, 20, 21 and 26-31 are patentable over the prior art of record. It is therefore respectfully requested that the rejection be withdrawn.

Conclusion

All objections and rejections having been addressed, it is respectfully submitted that the subject application is in condition for allowance and a Notice to that effect is earnestly solicited.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'William H. Bollman', written over a horizontal line.

William H. Bollman

Reg. No.: 36,457

Tel. (202) 261-1020

Fax. (202) 887-0336

MANELLI DENISON & SELTER PLLC

2000 M Street, N.W. 7th Floor

Washington D.C. 20036-3307

WHB/df